

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SCOTT WITZKE,

Petitioner,

v.

Civil No. 2:15-CV-12429

HONORABLE DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

SHAWN BREWER,

Respondent,

_____ /

OPINION AND ORDER GRANTING IN PART
THE MOTION TO SEAL RECORDS

Scott Witzke, (petitioner), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the Michigan Parole Board's decision to revoke his parole for several convictions. Respondent filed an answer to the petition for writ of habeas corpus. Respondent also filed a motion to seal the records. For the reasons that follow, the motion to seal is **GRANTED IN PART**.

A federal court has the power to seal records when the interests of privacy outweigh the public's right of access to those records. See *Ashworth v. Bagley*, 351 F. Supp. 2d 786, 789 (N.D. Ohio 2005)(internal citation omitted).

In her motion to seal, respondent indicates that petitioner's Parole Board records contain confidential information that should not be made available to the public. This information includes all of petitioner's pre-sentence investigation reports and prior mental health evaluations. This Court agrees that this information is private and should be kept confidential. The Court will order that these documents be sealed.

Respondent, however, has failed to show that the remaining information contained within the Parole Board records is confidential or should be sealed. The remaining Parole Board records are necessary for adjudicating petitioner's claims. This Court believes that the public and the process would both benefit from "contemporaneous access by the public to the records and proceedings that will inform the Court's determination" as to whether the Michigan Parole Board violated petitioner's constitutional rights by revoking petitioner's parole. *Ashworth*, 351 F. Supp. 2d at 791.

IT IS HEREBY ORDERED that the motion to seal [Dkt. # 10] is
GRANTED IN PART in accordance with the terms outlined in this opinion.
Respondent shall file the documents that are to be sealed separately from
the remainder of the Parole Board record.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: September 23, 2015

I hereby certify that a copy of the foregoing document was served upon
counsel of record on September 23, 2015, by electronic and/or ordinary
mail.

S/LaShawn R. Saulsberry
Case Manager